

REMARKS

Claims 1-8 and 10-21 are pending in the captioned application. On April 22, 2009 applicants responded to a Restriction Requirement mailed on March 25, 2009. In that response applicants elected the Group I invention (claims 1-10) and elected the single species *Salmonella typhimurium*. Applicants also added new claims 18-21.

On July 1, 2009 a second Restriction Requirement was issued for the captioned application requesting further election of species. In particular, the Examiner noted that newly added claim 19 included three additional species, the deletion mutations STM 3147, STM 1538 and STM 1786. However, applicants respectfully submit that claim 19 is directed to a triple mutation bacteria that contains all three designated mutations. Accordingly, claim 19 is directed to a single triple mutant and not three separate alternative mutations.

On July 17, 2009 applicants contacted the Examiner to request a clarification regarding the request for a further election of species. The Examiner responded in a return phone call the same day stating that upon further review of claim 19 the Examiner believes the Restriction Requirement was issued in error. However, the Examiner requested that a formal response to the second Restriction Requirement be filed to advance the prosecution of the application.

Therefore, to be fully compliant with the 37 CFR 1.143 applicants provisionally elect the designated species of STM 3147. However, applicants respectfully request reconsideration and withdrawal of the Restriction Requirement mailed July 1, 2009, as claim 19 as it currently stands only represents one species and applicants do not believe that any further election of species is required.

Applicants respectfully request allowance of the claims, and passage of the application to issuance. If any further discussion of this matter would speed prosecution of this application, the Examiner is invited to call the undersigned at (434) 220-2866.

Respectfully submitted,



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